

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SCOTT ROSENDAHL and VERONICA
CLARK, on behalf of themselves and all
others similarly situated

Plaintiffs,

vs.

BRIDGEPOINT EDUCATION, INC.,
ASHFORD UNIVERSITY, and
UNIVERSITY OF THE ROCKIES,,

Defendants.

CASE NO. 11cv61 WQH (WVG)

ORDER

HAYES, Judge:

The matter before the Court is the Joint Motion to Consolidate Cases and to Extend Time for Defendants to Respond to Consolidated Complaint. (ECF No. 9).

The parties seek to consolidate this action with *Guzman v. Bridgepoint Education, Inc.*, Case No. 11cv69 WQH (WVG) as well as other cases not yet filed or assigned to this Court. The parties contend that consolidation is appropriate pursuant to Federal Rule of Civil Procedure 42(a) because the cases “assert against Defendants similar claims that arise from similar events.” *Id.* at 2.

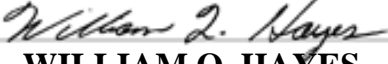
Rule 42 states: “If actions before the court involve a common question of law or fact, the court may: ... (2) consolidate the actions....” Fed. R. Civ. P. 42(a). “The Court has broad discretion in determining whether or not to consolidate actions. In determining whether or not to consolidate cases, the Court should weigh the interest of judicial convenience against the

1 potential for delay, confusion and prejudice.” *Zhu v. UCBH Holdings, Inc.*, 682 F. Supp. 2d
2 1049, 1052 (N.D. Cal. 2010) (quotation omitted).

3 The Court concludes that the requests to rename the litigation “In Re: Bridgepoint
4 Education, Inc. Consumer Class Action Litigation,” to order any other student consumer class
5 actions against Bridgepoint Education, Inc. that is filed in or transferred to this District to be
6 consolidated with this action, and to “appoint the law firms of Johnson Bottini, LLP and
7 Chapin Fitzgerald Sullivan LLP as Co-Lead Counsel for Plaintiffs in the Consolidated
8 Consumer Class Action, including all subsequently filed or transferred actions consolidated
9 under this Stipulation and Order” are not adequately supported by factual and legal authority.
10 (ECF No. 9 at 3-6). The motion for consolidation and appointment of counsel is denied.

11 IT IS HEREBY ORDERED that the Joint Motion to Consolidate Cases and to Extend
12 Time for Defendants to Respond to Consolidated Complaint (ECF No. 9) is DENIED.

13 DATED: March 22, 2011

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15 **WILLIAM Q. HAYES**
16 United States District Judge
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